



**Bill Barrett Corporation**

*March 8, 2006*

*Mr. Darryl Francois  
Section 1813 Right of Way Study  
Office of Indian Energy and Economic Development  
1849 C Street NW  
Mail Stop 2749-MIB  
Washington, DC 20240*

*RE: Section 1813 Scoping Comments*

*Dear Mr. Francois:*

*Bill Barrett Corporation (BBC) appreciates the opportunity to provide scoping comments for the Section 1813 process mandated by the Energy Policy Act of 2005. BBC is an oil and gas exploration and production company with extensive operations on Tribal lands, particularly on Ute Indian Tribe of the Uintah and Ouray Indian Reservation. We have a long working history with the Ute Indian Tribe and our experience, with its emphasis on E&P operations rather than downstream issues, may provide a unique perspective on the matter.*

*Department of Interior should recognize that any activity on Tribal lands entails acquisition of a Right of Way. Well pads, gathering lines, compressor stations, access roads, essentially any occupation of tribal lands, require a ROW. We are therefore very concerned that the reach of regulations issued under Section 1813 will extend to every day operations. We do not believe that was the intent of the legislation.*

*BBC does not find it advisable to prescribe a formulaic approach for ROW compensation. We have been party to many creative and mutually beneficial arrangements for ROW compensation. These agreements were worked out in the spirit of and to the effect of promoting production. We believe it would be impossible to anticipate these widely varied circumstances in rulemaking.*

*BBC has been able to readily obtain Rights of Way for E&P operations on Tribal lands. In fact, the overall time required to bring gas to market, inclusive of obtaining Rights of Way for gathering systems, is a fraction of the time required on Federal surface. That is, the time that passes from when we enter into an exploration agreement with the Tribe to the time that we are able to bring a meaningful amount of gas to market, is far shorter on Tribal lands than it is on Bureau of Land Management or United States Forest Service Lands.*

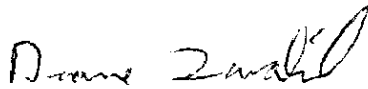
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*In our business, predictability is of foremost importance. BBC is concerned that the Law of Unintended Consequence will apply and we will suffer greater delays working through Rights of Way under a new process than is currently experienced. We believe that in the case of Rights of Way granted in association with development of Tribal minerals, the interests of the Tribe and those of operator are well aligned. Delays over Right of Way negotiation affect both parties negatively. This is useful dynamic for encouraging effective, timely negotiation.*

*In conclusion, from the perspective of an E&P operator developing Tribal minerals, we see little rational for rulemaking affecting Right of Way compensation. Furthermore, we see potential for disruption that results in negative impacts on our ability to turn our investment into cash flow or to bring gas to market.*

*Sincerely;*



*Duane Zavadil*  
*Vice President, Government and Regulatory Affairs*  
*Bill Barrett Corporation*

*cc: David Meyer – Office of Electricity Delivery and Energy Reliability*